

REMARKS

All claims but Claims 9-17 have been canceled in a sincere attempt to advance prosecution and place the case in condition for allowance. As a result of this change, the art rejection is moot.

The Examiner is thanked for taking the time to discuss aspects of the 35 U.S.C. § 112, first paragraph rejection with the undersigned on July 10, 2006.

The rejection of the claims under the first paragraph of 35 USC § 112 is respectfully traversed. Although applicants believe that the examples do provide adequate description for Claims 22 to 24, those claims have been canceled to advance prosecution. Thus, the only aspects of the rejection that need be discussed are those under A. and B. on page 2 of the Office Action. The latter rejection is addressed first.

Applicants submit with respect that the application, particularly the working examples, supports “emulsifying a monomer mixture comprising the monomers of the polyadduct and the monomers of the polymer with water.” Mention in the last reply of pages 18 and 19 of the specification is regretted; the specification does end at page 16. Claim 9 as filed called for “first emulsifying the constituent monomers of said polyadducts and [free-radical addition] polymers in water,” another way of saying that which is now stated in Claim 9. The quoted phrase from original Claim 9 also appears in the specification at page 1, lines 7-8 and page 2, lines 22-24. See related disclosure at page 11, lines 5-6 and page 13, lines 33-35. The working examples also show addition of all of the monomers of the polyadducts and the free-radical addition polymers to a mixture containing water and an emulsifier to form a miniemulsion. Thereafter, heating takes place to affect polymerization. Should the rejection be maintained, the Examiner is asked to explain in more detail on the record why

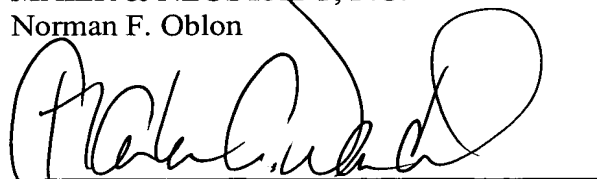
the specification doesn't support the phrase. Should the Examiner, after considering the argument, believe other language more appropriate, he is asked to contact the undersigned.

The working examples also show addition of all additives by weight and it is respectfully submitted that the examples therefore provide proper support for "by weight" in the process claims. See also the other references to a wt. % basis in other portions of the specification; see, for example, page 8, line 47 (proportion of polyadducts to sum of polyadducts and free-radical additive polymers), page 9, line 18 (amount of principal monomer in free-radical addition polymer), page 12, line 7 (amount of surface-active substance), and page 13, line 8 (amount of initiators). The term is supported. The rejection should be withdrawn.

In view of the foregoing revisions and remarks, it is respectfully submitted that the application is in condition for allowance and an USPTO paper to those ends is earnestly solicited. The Examiner is requested to telephone the undersigned if additional changes are required in the case prior to allowance.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Charles A. Wendel
Registration No. 24,453

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)
NFO/CAW/law